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ORIGINAL

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES



Department of Land Management Conference Room ITC Building, Tamuning



Thursday, July 28, 2016 1:43 p.m. to 3:15 p.m.

GUAM LAND USE COMMISSION Regular Meeting Thursday, July 28, 2016

Department of Land Management Conference Room 3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Arroyo, Chairman

Mr. Victor Cruz, Vice Chairman

Ms. Conchita Bathan, Commissioner

Mr. Tae Oh, Commissioner

Mr. Michael Borja, Executive Secretary

Ms. Kristan Finney, Legal Counsel

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Penmer Gulac, Case Planner

Ms. Celine Cruz, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION Attendance Sheet

Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting: Thursday, July 28, 20	TA GLUC GSPC Regular
Time of Meeting: [:43 pm	Special Special
	Quorum Quorum Non-Quorum Non-Quorur
COMMISSION MEMBERS	SIGNATURE
John Z. Arroyo, Chairman	
Conchita D. Bathan, Commissioner	ladaer
Victor F. Cruz, Vice Chairman	
Tae S. Oh, Commissioner	
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Michael J.B. Borja, Executive Secretary	MBuy'-
Kristan K. Finney, Legal Counsel	Ktale]
Marvin Q. Aguilar, Chief Planner	plan
Frank Taitano, Planner IV	
Penmer Gulac, Planner IV	1/m/
Celine Cruz, Planner IV	CONVIVVI
Jeffrey Baker, Planner II	
M. Cristina Gutierrez, WPS II	Mcgutteener
ADJOURNMENT: 3:15pm	

GLUC Form 19 - GLUC Commission Attendance Sheet

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

Speaker's Sign-In Record

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

X GLUC	X Regular Date: Thursday, Ju	ly 28, 2016
GSPC	Special Time: 1:43 pm	
Quorum [No Quorum Adjournment:	3:15 pm
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PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
MICHAEL D. FLYAW, TR	LADERA TIWERS	477-7059
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GLUC Form 20 - GLUC Speaker Log Record		

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

Public Attendance Record

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

X GLUC	X Regular Date: Thursday, July	/ 28, 2016
GSPC	Special Time: 1:43 Pm	1
Quorum	No Quorum Adjournment: 8:15pm	
PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Tim Armour	Ladera	4171111
Rity BENNETE.	M-1 ZOLF BAND	988-4141
R Bobby Sachder	TUMG	688-7827
Christopolaer Movato.	TVMG	687-0369
MATT BELT	TVMG	687-7323
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GLUC Form 21 - GLUC Public Attendance	Record Form - APRIL 2010	

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES Department of Land Management Conference Room, 3rd Floor ITC Bldg., Tamuning Thursday, July 28, 2016 • 1:43 p.m. to 3:15 p.m.

I. Notation of Attendance

Chairman Arroyo called the regular meeting of the Guam Land Use Commission for Thursday, July 28, 2016 to order at 1:43 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Executive Secretary Michael Borja, Legal Counsel Kristan Finney, Chief Planner Marvin Aguilar, Planning Staff Penmer Gulac and Celine Cruz, and Recording Secretary Cristina Gutierrez

<u>Chairman Arroyo</u> the agenda, you all have the agenda in front of you. Does anybody want to make any changes to the order of the business today?

<u>Commissioner Oh</u> yes, I just wanted to quickly mention that I would like to suggest probably moving up the applicant TriVision Media to the beginning of the agenda.

<u>Chairman Arroyo</u> any problem with anybody doing that? [No objections noted from Vice Chairman Cruz and Commissioner Bathan]. Okay, we'll move the TriVision Media Group application under New Business up to the very front, at the top of our agenda.

Any other changes? [None noted]

II. Approval of Minutes

<u>Chairman Arroyo</u> the Minutes of our last meeting for July 14, 2016; we had a special Recording Secretary, and the Minutes are not ready for review yet so we will postpone the review and approval of those Minutes. If that's okay with everybody? [No objections noted from the Commissioners]

IV. New Business

Tentative Development Plan/Zone Variance

C. The Applicant, TriVision Media Group LLC represented by Christopher A. Morato; request for a Tentative Development Plan and Zone Variance to erect a 30'0" high LED billboard sign on a portion of the Pacific Bay Hotel, Tumon parking lot, Lot No. 5114#1-2-2 NEW, in an "H" (Hotel) zone, in the Municipality of Tamuning, under Application 2016-01A/B. Case Planner: Celine Cruz

<u>Commissioner Oh</u> I just wanted to let everyone know that due to personal interest I just don't feel too comfortable in participating in this application. I would like to recuse myself. I think that would probably be the best decision. I know that we will have an issue with having a quorum for this, but I feel that this is the best course of action.

Chairman Arroyo any comments from anybody?

Vice Chairman Cruz it's fine with me.

<u>Chairman Arroyo</u> okay, so I'm sorry. There's only four of us and I really hate that you had to come down here. If there's only four us ... we need to get the rest of the members that ... at least there are two that I think that applications have been submitted and we need to get those confirmations through. So, we don't have the minimum number to make a decision on your application today. And if Commissioner Oh feels conflicted, I am not too sure when we can get to your application. It would have to be after we get at least one more member on the Commission. So, I'm very sorry about that. Thank you for coming.

Let's move onto the next item on the agenda. This would be under old or unfinished business.

III. Old or Unfinished Business

Horizontal Property Regime

A. The Applicant, LGI Pacific Guam LLC represented by Michael D. Flynn, Jr., Esq. and Timothy Armour; request for accept the amended and restated Declaration of Horizontal Property Regime and restated floor plans for Ladera Towers Condominium, on Lot Nos. 4 and 5, Tract 1822, in an "R2" (Multi Family) zone, in the Municipality of Mangilao, under Application No. 1993-01D, HPR No. 104 [Continuation – GLUC Hearing of 6/9/2016] Case Planner: Celine Cruz

<u>Celine Cruz</u> summarizes the supplemental staff report to include purpose, facts, and conclusion. [For full content/context please refer to attached report]

[Attachment A – Supplemental Staff Report dated July 22, 2016]

<u>Chairman Arroyo</u> we kind of discussed this in quite some detail the last time. We didn't have the opportunity to review the supplemental information that was provided on that day. Does anybody have any other questions of the staff?

<u>Vice Chairman Cruz</u> based on what they submitted have you had the opportunity to give recommendation (undecipherable/inaudible).

<u>Celine Cruz</u> yes. I think the abstract of Title was very informative in terms of the history in terms of this particular project and property; and we just verified the information through the abstract of Title in relation to what's presented here in their request, and found it adequate.

<u>Vice Chairman Cruz</u> so everything that was of concern in the last meeting has been addressed?

Celine Cruz I believe so, I believe so.

Vice Chairman Cruz that's the only question that I have.

Chairman Arroyo any other questions?

Commissioner Bathan my question was on the water pressure.

<u>Chairman Arroyo</u> unless there aren't any other questions, we go ahead and open the floor to the applicant. If you want to add anything more then what you said last time ---

Michael D. Flynn, Jr. thank you Chairman. I am the Counsel for the association and LGI owner and to my left here is a well-known personality, Tim Armour. He's the Architect and re-did the floor plans and you can see that with your little spyglass you will be able to now make out what's written out on those plans. And then to my right here I have Mr. Scott Clark. Scott is the representative for LGI Pacific Guam and he's also a, I believe the President and Chairperson of the Association.

So, now getting to your question on the water pressure. I think Tim did address that.

<u>Tim Armour</u> we did a complete study on the fire protection system in the building including hydro tests in the neighborhood surrounding the building, and we found sufficient water pressure, above normal water pressure in the hydrants which are the main water supply lines for the neighborhood. And we didn't find anything that was of concern. We were very happy to see that much water flow. Now the building itself has (I can't tell you the size) but two very large water storage tanks and so their tanks are constantly being filled very slowly and the high demand hours; it just draws down from the tank, it doesn't take from the neighborhood. So, it has a very low impact on demand on water from the occupants of the building to the neighborhood like in the mornings from 7:00 to 8:00 or 6:00 to 8:00 when the high demand ... they're just drawing from their tank they're not drawing from the neighborhood.

Commissioner Bathan I see.

<u>Chairman Arroyo</u> and I think we talked about this the last time, I can't remember. Were those tanks, were they put there by the owners of the property or are they Government of Guam water tanks?

<u>Tim Armour</u> they are the original design. In a high-rise building like that it's typical that you would bring your water in and store it and then you would pressurize the building with your own pump, and that's the way the building is designed and it's a typical high-rise design.

<u>Vice Chairman Cruz</u> my question is when he took this test the whole neighborhood it's based on a 24-hours of how many days.

<u>Tim Armour</u> it was a fire flow test and so it was done during the day, during working hours. We hired a person certified to do the test and they went from hydrant to hydrant during a working day and they have the liters that they put in the flow and test the flow and they can estimate how many gallons per minute is flowing out.

<u>Commissioner Bathan</u> did they consider the peak time or the peak hours when they did the test?

<u>Tim Armour</u> no, I believe if my memory is...it was a year ago when we did this. It was between the hours of ten and noon. But, these are six-inch water lines. These are the main water lines that feed the potable water in that neighborhood, and there is a new water tank that has been installed since Ladera Towers was built; just a hundred yards away. So, I have not heard of any water pressure problems in that neighborhood for quite a long time.

<u>Vice Chairman Cruz</u> so the guy representing the company. Have you...you have any problems?

Scott Clark no, I actually live there as well and haven't experienced any issues.

Vice Chairman Cruz so your neighbors around you never hear them mumble or anything.

Scott Clark no.

<u>Vice Chairman Cruz</u> okay, because that was one of the biggest issue before that was within the area. Basically sometimes brought up during other projects up before the

Commissioner Bathan if there's no complaints, so water pressure is good.

Chairman Arroyo is there anything else you would like to add or say anything

Michael Flynn no, I think we did point out at the last hearing that the bulk of the revisions was to the exhibits attached to the Declaration and then of course to the floor plans which Tim Armour has addressed. And so if the honorable members have any additional questions we would be more than willing to entertain those questions.

<u>Chairman Arroyo</u> Chit (Commissioner Bathan), you know last time you and Tricee (Commissioner Limtiaco) wanted to see, you couldn't make out the numbers on the submissions, on the dimensions.

Commissioner Bathan right, yes.

Chairman Arroyo do you have an issue on what was submitted now? Are you okay with that?

<u>Michael Flynn</u> and so if you look at the floor plans now that there isn't that blurring in those originals on the elements of the floor plans, and Tim and his group have made it clear. If you're old like myself, you need to use a magnifying glass.

Commissioner Bathan yes, thank you.

<u>Vice Chairman Cruz</u> have there any been issues hear complaints or anything regarding the traffic that goes through?

Scott Clark not that I've heard.

<u>Vice Chairman Cruz</u> because you've got two ways to get in right; coming in from Mangilao side or your coming from Route 15 side.

Scott Clark right.

<u>Chairman Arroyo</u> no other questions? [None noted] Okay, I'd like to open the floor to public comments if anybody would like to say anything regarding this application. None? Okay, so we'll close public comment.

[Public Comment – none noted]

<u>Chairman Arroyo</u> any other questions of the applicant? [None] I am ready to entertain a motion on the request.

<u>Commissioner Bathan</u> I'll make a motion. I would like to make a motion to accept the amended and restated declaration of horizontal property regime and restated floor plans for Ladera Tower Condominium on Lots 4 and 5, Tract 1822 in the municipality of Mangilao, in an "R2" (Multi Family Dwelling) zone, under Application No. 1993-01D, HPR No. 104.

Marvin Aguilar for clarification ma'am, it's the issuance of a supplementary final public report.

<u>Commissioner Bathan</u> right, yes thank you.

<u>Chairman Arroyo</u> so there's a motion on the floor by Commissioner Bathan [Vice Chair Cruz – "I second."], seconded by Vice Chair Cruz. Any discussion? [None noted.] All in favor of the motion say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Bathan and Oh], all opposed say "nay." Motion passes.

[Motion to issue the applicant's <u>supplementary final public report</u> was passed unanimously; 4 ayes, 0 nay]

Zone Change

B. The Applicant, Mr. Sang Hon Yi represented by W.B. Flores & Associates and FC Benavente, Planners; request for a zone change from "A" (Rural) to "M1) (Light Industrial) zone for the proposed construction of an automotive repair and fabrication shop, on Lot 5221-1-6, in the Municipality of Barrigada, under Application No. 2014-33. [Withdrawn – GLUC hearing of 7/14/2016]. Case Planner: Penmer Gulac

<u>Chairman Arroyo</u> this was on our agenda for the last meeting, but was withdrawn because of an issue on the date of the sign. For the record, we have a received a copy of the picture of the sign that shows the correct date of the Land Use Commission meeting. We've also received a copy of Page 1 of the public hearing minutes of November 5, 2015.

[Please see attached Exhibit 1 (Notice to Rezone) and Exhibit 2 (Public Hearing results) for full contents/contexts]

<u>Marvin Aguilar</u> summarizes staff report to include purpose, facts, staff analysis/discussion, public hearing and recommendation. [For full content/context see attached staff report]

[Attachment B - Staff Report dated July 8, 2016]

<u>Marvin Aguilar</u> continues to read Letter of Support from the Barrigada Mayor's Office. [For full content/context please see Exhibit 3]

It wasn't an MPC Resolution, but a letter from the Mayor's Office with these findings and comments.

<u>Chairman Arroyo</u> that access road that you said was an alternative access road that you said was open?

Marvin Aguilar yes sir.

Chairman Arroyo that was recently done?

<u>Marvin Aguilar</u> no ... if we're talking about the same access road it actually comes off of you can come through Besta Market which everyone generally follows. This access road through residential area is the one they are referring to in respect to the eleventh lot subdivision that they're part of actually comes in past the through the funeral home. That's the access into that ... official access into that lot.

Chairman Arroyo the Lady of Peace?

<u>Marvin Aguilar</u> yes; you can go straight through and it ends at a cul-de-sac. This would be the eleventh lot of that subdivision. But the actual persistent use is through Besta Market, through the back.

<u>Chairman Arroyo</u> that cul-de-sac ... looking at, I'm looking at and I'm kind of comparing the terminating end of it. Part of the cul-de-sac is on their property?

Marvin Aquilar yes; I took some photos of the property and I couldn't really figure out if it was actually looping the apex of the cul-de-sac; but you could see that there was an obvious bow in there, but they are clearly severing themselves because they're not using the cul-de-sac. And what they should do is bring it out to the (undecipherable) so the cul-de-sac can be used by the subdivision itself. But if you go in through that road you can actually see that at that point between the southern and northern lot with the subject lot in the middle, it actually encroaches onto the cul-de-sac itself. They're farming on it, they're storing

Chairman Arroyo but that's public though right?

Marvin Aquilar yes it is, yes it is.

<u>Chairman Arroyo</u> this is kind of similar to the Jim Atkins issue where he asked for the cul-desac to be deleted.

Marvin Aquilar under no circumstance unless requested by the applicant that this part of the cul-de-sac be removed for the use or included into their site plan and encourage them to remove whatever obtrusion they have into the public easement. Likewise, this property is going to be ... by rezoning this property they are going to be adjacent to residential development. And so in the Zoning Law they're going to be subject to more restrictive setback requirements. And so in this case, whatever they decide to build permanently or for that matter to store vehicles has to occur at a minimum of twenty-feet from the edge of that cul-de-sac.

[Discussion ensues on setback requirements. Mr. Aguilar explains that the applicant should loop the cul-de-sac so that it can be left alone for right-of-way use and reemphasized that any type of activity within the property has to occur at 20-feet.]

Marvin Aguilar actually it maybe forty.

Chairman Arroyo forty?

Penmer Gulac because of the residential subdivision.

Chairman Arroyo so forty-feet around this apex?

Marvin Aguilar because that's a front.

Vice Chairman Cruz he's got two front right? He's got two access in?

Marvin Aguilar yes sir. If they were to go, to go to secure a building permit they would be restricted from those setbacks.

[Lengthy discussion ensues on setback requirements and the location of the container. Mr. Aguilar further explained that the zoning boundary restrictions; whatever setbacks are required for an M-1 zone it would have to be doubled if it adjoins a residential subdivision and if it not residential the applicant would follow the standard setback for and M1. In addition, lengthy discussion continues on the zoning of the surrounding properties that ranged from agricultural and M-1 zones.]

Marvin Aguilar if I may, the application is trying to express how it can be developed. The issue here is whether this proposal zone change is compatible with the area.

Chairman Arroyo so we're not actually looking at the structure itself just the zone.

<u>Marvin Aquilar</u> however it does serve a value. The property is a little over an acre and you want to see how it can actually be exploited for this type of use.

Chairman Arroyo any other questions?

<u>Vice Chairman Cruz</u> the only concern we have is where the cul-de-sac is. They were go to work around because right now that seems to be the cul-de-sac going to into that property is considered a utility and public access right. So, you can't put a fence there. If they were going to do away with and take away the cul-de-sac what would they need to do?

Marvin Aguilar like in a recent case they would have to come for a deletion of an easement sir.

Vice Chairman Cruz change that into a hammer-shape a

<u>Marvin Aguilar</u> yes sir. But clearly they would have to get permission from the subdivision; for those who not necessarily use it today, but has the potential to use it in the future.

<u>Chairman Arroyo</u> any other questions? [None] Okay, so I'll open the floor to the applicant or the applicant's representative. If you could state your name for the record.

<u>William Flores</u> [President of W.B. Flores & Associates] Mr. Yi is a personal friend of mine and asked us to assist him on this. He operates Asia Motors. Very clean, a shop with a very good reputation as you can see from the testimonials provided. And later on we'll have come comments on the earlier discussion. Actually, the application and the public input and interaction was actually handled by FC Benavente, Planners. In fact, Mr. Richard Sana is not here with us today assisted Mr. Gulac with the public hearing. But, I do have Mr. Benavente who works with Mr. Sana and I'm sure you're familiar with him; Mr. Benavente, to kind of go over the general overview and then we'll discuss some of the technical issues and concerns that we would like to bring up also.

Raymond Benavente I've been kind of multi-tasked, my specialty is building permits but now assisting Mr. Flores and company here with the agriculture/M-1 industrial zone. I eventually coordinated on the public hearings and coordinated on the design of packaging of the application.

On the public hearing there was a quite groups, almost like 30 to 40 people that...a lot of them are from the residents. A lot of them were basically vocal on again the water, power, sewer, the noise and all that stuff. Most of all they were basically vocal on the road. The entry was one-way in from the church and Besta Mart. The Mayor was there and they basically discussed ... during that hearing, they kinda proposed to open up that ... the existing road that never was open. I think it became a reality a couple of months ago. One vocal opponent was Mr. Camacho who was against the program itself and wants it opened it up. He kinda now supported the program because he has an M-1 project out there.

<u>Chairman Arroyo</u> what road are we talking about? Is that the one coming from our Lady of Peace, this is the cul-de-sac we're talking about?

Raymond Benavente yeah; without the road opening there was only one way in and that at Besta Mart. The residents were all concerned of the wreckers and everybody coming in the middle of night wrecking cars back there or whatever. The road is kind of crazy during the daytime and so that kind of stirred up the Mayor and everybody to push for that road to open. And I think in three or four months it kinda opened up and so Mr. Camacho because now supportive of the project because now his M-1 became valuable with that access opening up. And all the other hearings everybody else was the usual follow the government rules and regulations; EPA, the Airport and everybody they're all in support. So now we're at this level to seek approval of the project.

<u>William Flores</u> a couple of things. It's interesting that we talk about the cul-de-sac. One of the concerns that Land Management asked us to make sure it that we cleared, and of course we did was the coordination with the Guam International Airport Authority to make sure we are not

in the safe flight zone, make sure we complied with the AICUZ (Air Installation Compatibility Use Zone). And so that building, that building that you show there one of the things that's going to have to happen is that building has to move to the left end of the project anyway because it intrudes about two-feet into the transition zone; the safe flight zone. So in order to get passed Building Permit, we have to get it over there anyway.

The other thing interesting that I wanted to point out was that the cul-de-sac issue. Very interesting because the neighbors, it wasn't our idea, the neighbors asked if that cul-de-sac could be chopped off and closed. The reason why was they did not want the traffic coming in and out; as you see, they already have a garden in the easement. That easement if you look at it it's being used by the neighbors as their...you know, their own (I guess) private property and we don't have any problems with that. I don't know if Mr. Yi would want to take time to go and delete the easement and apply for the deletion of easement. But the ... I think Mr. Chair you asked if this cul-de-sac was the road that was opened that just recently opened? I don't think it is ... no, it's not. The cul-de-sac is there on paper but it's not physically there. But it is a legal easement. So that is why you see that there is nothing planned for that.

Now, I have one question for staff; that setback, is that a structure setback only or would be be allowed to put some of his parking there and stuff like that.

Marvin Aguilar you can use it for open uses like parking, but if it's something that's going to become, adversely affect the residential use ... nothing permanent. Normally, what we do when they require that we request of them that's where you put your ponding basin, that's where you put your hedging. It reminds everybody whoever is going to be owning the property, utilizing it, renters or leasers that it's don't touch that, don't go in there.

<u>William Flores</u> by the way, the hedges, that's not really a hedge that's actually trees probably eucalyptus that Agricultural asked us to put in the master plan. So, we have to go back and iron this out because the trees are provide a visual and sound barrier between us, between Asia Motors and the neighbor. Then there was one more issue if the Commission will indulge us. In their December 11th, 2015 letter, the Barrigada Mayor asked that Mr. Yi operate only Monday thru Friday. I would respectfully request that leave that up to the business owner to operate their business within the Revenue and Tax regulations and all that. I believe that concern came from the traffic concern, if I recall correctly. I don't know why it was put in there. But I would respectfully request that ... we would ask that Mr. Yi ... right now he operates six days a week.

Commissioner Bathan what about hours, hours of operation.

<u>William Flores</u> 8:00 am to 5:00 pm, regular hours. So, I would respectfully request that that be...allow him to operate six days a week. From our point of view, other than the fact that Mr. Castro I believe who wrote the position statement for the Municipal Planning Council. You know he brought up a lot of good concerns; but number one the shop won't be discharging wash off into the ponding basin. That's a federal offense and a local offense so that is not going to

happen. And then number two of course, the ponding basin will be configured; you're all familiar with the CNMI/Guam Stormwater Management Plan. It requires for a (undecipherable) like this that we have one or two (undecipherable) to catch anything that goes in there. The drawing that you see there is a conceptual site plan, and definitely in the permit process we will be required to catch all of this stuff. It's nothing that anyone wants to get around, nobody wants to mess up our water. And I believe that's all I have.

Thank you Commission members.

<u>Chairman Arroyo</u> any questions? (None) There's a request to take a short recess; so we'll take a short five minute recess.

[Commission recessed at 2:40 p.m. and reconvened at 2:45 p.m.]

<u>Chairman Arroyo</u> let's go ahead and reconvene. I think you finished with your presentation. Did you have more to add?

<u>William Flores</u> I think we're done. We would just like to ask the Commission to consider that the gentleman has been an outstanding member of the community both his family...was born and raised and he's an outstanding member. According Guam EPA, I would like to say they really have had no problems with him. He operates a good clean shop, and we would ask that the Commission favorably review the application.

<u>Commissioner Bathan</u> I just have one question. I know that it's the application that you're moving the Asia Motors to this location once it's approved right? [Mr. Flores responds "yes, ma'am."] And then you're going to have construction, a rebar shop also.

<u>William Flores</u> well he's asking ... because of everybody wants to get in on the military buildup? So, all he is asking if he be allowed, in a small way, he's not going for anything big; in a small way if someone wants to cast small stuff in his yard that's what he's asking for. If you notice it's not a big lot and he has no intensive activity plan.

<u>Vice Chairman Cruz</u> but that operation is bigger than the automotive.

<u>William Flores</u> well you know what he said, frankly you what he said is that once he retires his family may not decide to move forward with the automotive business and they may want to involve themselves with some small construction activities. That's why ... that was one of the things that I pointed was that the request was for that to allow M-1 use consisting both of the repair and the light construction activities which is mostly just storage.

Commissioner Bathan so, there will be two business licenses?

William Flores yeah, he would have to definitely get two business licenses, two different entities if he was going to do it.

<u>Commissioner Bathan</u> right. Then the current location of the Asia Motors what will that ... does he own that place or is he

William Flores no, he's leasing that. He would just leave the place.

<u>Commissioner Oh</u> I have a quick question. Did any of the, just the immediate neighbors attend the hearing, the public hearing?

<u>William Flores</u> most them and there was some very strong opposition because nobody wants the thought of an M-1 right up to But, it was as both Mr. Aguilar and Mr. Benavente mentioned most of it is centered around the access issue which I think the Mayor resolved. And then the families ... my understanding is that families that I mentioned earlier that lived along this cul-de-sac where the ones that were strongly did not want any traffic going through there. That was their position; please no traffic going through here.

Commissioner Oh there wasn't any opposition in terms of any like industrial activity.

<u>William Flores</u> oh yeah ... they said, you know it's scary to bring industrial activity into a neighborhood. That was their ... they were worried about the dust; they brought up the dust, and then the noise from the body shop. But if you go to Mr. Yi's automotive shop the largest noise will be a grinding and that would be it, and that was in the shop.

<u>Michael Boria</u> they were complaining about the noise that could be created and not the airplanes?

William Flores yeah, that's what we were trying to say to them. You live by an airport and it's really noisy there. The valid concerns that I thought that the neighbors had was that; well the two valid concerns were the traffic if this cul-de-sac were to open up that's a valid concern, and they were also concerned about how this would affect water pressure. The water usage in this type of activity is very minimal. We are looking at the maximum a three-quarter inch, almost like a residential water line. And then they mentioned something about flooding but it's not in this area. It was further up to where that new road was opened and that was big issue with the neighbors. I understood the issue, but I couldn't connect it to this. I guess they were just saying will this development increase the will that exacerbate that problem up there.

Ray Benavente the Mayor mentioned that was the reason why they didn't want to open that road because of the excess flooding from the main road. I think they worked something out where that flooding (inaudible).

<u>Marvin Aguilar</u> they were referring to the area mainly behind J.K. Tiles. It doesn't come from the commercial area it comes from the subdivision. The subdivision doesn't have water retention program for the subdivision as opposed to the commercial side; they do have that for storm water retention. If there's any water coming in it's actually coming from the road, its elevation and the subdivision. Likewise, with the road that's coming into from the eleventh (undecipherable) subdivision from behind Our Lady of Peace there is a low point there but that water there if I'm not mistaken kind of settles mid-point and comes in from the south side of the road.

<u>William Flores</u> in response to your question, you know, it's the concerns the neighbors have about how will affect the neighborhood.

<u>Chairman Arroyo</u> that road that was recently opened, you said the neighbors their concern was having wrecking trucks or commercial trucks being used on that road; that was their concern?

<u>William Flores</u> the thing is that you know Dirt Doctor is located right there and so is the USDA warehouse, and there are trucks going in and out of there. My understanding and I could be wrong is the biggest concern from the neighbors that live along this cul-de-sac up on the north side of in that area there. That's the biggest concern because this cul-de-sac was mentioned many, many times. USDA is going in and out, Dirt Doctor is going in and out and then Nissan of course.

Chairman Arroyo and that's going to be your primary access.

William Flores yes.

Chairman Arroyo and so you have intention of using that road, the cul-de-sac at all.

<u>William Flores</u> no, no. In fact, that's why you see it blocked off. If you look at the conceptual site plan under Exhibit F you'll see that there's nothing around that space because we acknowledge that's an easement we're not going to touch it. But Agriculture asked us to put the line of trees all the way across and so we'll go back and talk to them about it.

<u>Chairman Arroyo</u> any other questions? [None] Okay, I'll open the floor to public comments. Is there anyone who would like to make a comment regarding the application?

<u>Public Comments</u> [Seeing none, Chairman Arroyo closed the public comment period]

<u>Chairman Arroyo</u> so what we are really looking at is just the use not necessarily paying attention to the drawings; but also recognizing that that apex of a cul-de-sac is private property, and you need to recognize that. I don't know if in this drawing the dotted lines are representative of your boundaries, but I think you need to make sure you recognize the cul-de-sac as being outside of your property boundary.

<u>Chairman Arroyo</u> okay, so if there aren't any questions --- Guam EPA no position statement from them.

Penmer Gulac no sir; just the agriculture impact.

<u>Chairman Arroyo</u> we're not talking about a brand new business that's being started this is an existing business. He has a set of policies and procedures with respect to environmental hazards and those kinds of concerns. He's going to implement these things as well in his new location?

<u>William Flores</u> yes, there will be spill kits, response procedures, fire ... all that kind of stuff will beyeah. He's very aware of it, and again like I mentioned earlier we discussed any concerns with Asia Motors with Guam EPA, and they said that he's been very compliant all these years.

<u>Commissioner Oh</u> I have a quick question for the staff. For the zone change would you be able to some type of restriction on access. Is that possible.

<u>Marvin Aquilar</u> access is taken into consideration for the compatibility of the use. So, it becomes more of a ... with respect to the cul-de-sac becomes more a community effort to a community and property owner relationship to make sure that access is not ... and then there's that opportunity to delete the easement.

<u>Commissioner Oh</u> it's just a little bit of a concern to me considering there is a residential area right next door, and I've seen wrecker shop during the middle of the night sometimes they pull in vehicles that's going through a residential area right in the middle of the night. It's going to disturb the neighbors. Based on the current design, I think it's ideal because of the fact that the access is coming from the other side instead of the residential road. If the owner is willing to keep that access as the primary access then it would probably ideal. Another set up is the landscaping on that one ... southern side of the property which would also separate the property from industrial and residential use and that would really be beneficial for both the industrial use and also the neighbors. Other than that I really don't have any other comment.

Chairman Arroyo anything else? [None] I am ready to entertain a motion.

<u>Commissioner Oh</u> I will make a motion. I would like to make a motion to approve the zone change request from the applicant Mr. Sang Hon Yi represented by W.B. Flores & Associates from "A" to "M-1" zone for the proposed construction of an automotive repair and fabrication shop on Lot 5221-1-6 in the municipality of Barrigada, under Application 2014-33.

Chairman Arroyo moved by Commissioner Oh.

Commissioner Bathan I second.

<u>Chairman Arroyo</u> seconded by Commissioner Bathan; any discussion? [None] All in favor of the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Oh and Bathan], all opposed say "nay."

[Motion approve Application 2014-33 was passed unanimously; 4 ayes, 0 nay]

Chairman Arroyo next item on the agenda -

V. Administrative and Miscellaneous Matters

<u>Chairman Arroyo</u> just a real quick thing. This evening at 6:00 p.m. at the Legislative Hearing Hall is a round-table discussion on Senator Aguon's Bill 318. This was postponed and was initially scheduled for Monday (last week). So, if you guys can show up and provide whatever input it would be helpful. At least letting him know a different point of view.

<u>Kristan Finney</u> I just want to remind you guys that discussion about current litigation comes up to just be mindful that that it is still

Vice Chairman Cruz we can't discuss it.

Kristan Finney yes.

<u>Chairman Arroyo</u> I know that given...who will most likely attend this thing ... a lot of discussion will be focused on that. I'm hoping that we're taking a look at a bigger picture because this is just going to affect what happens to the south, but it's going to affect other areas of the island.

Vice Chairman Cruz the wording of his bill still remains the same.

<u>Michael Borja</u> no they haven't modified it. Now there was another bill Senator Ada's version he provided us a copy of the ... he had made some changes. He had made some amendments to it which basically took into account the things that we asked for; five million dollars and It would just be Mayors

<u>Vice Chairman Cruz</u> Mr. Chairman I don't mind him having his public hearing, round table hearing, but know that there's two separate bills that's basically on the table, I mean...for me going in there and sitting down in there and I know I see the enemy in front of me what am I going to say. Do they want us to participate?

<u>Chairman Arroyo</u> I believe so. I think it's probably good for us anyway to be there even if it would be difficult for us to get our point across. Just to show that we're there ... this whole thing with that Pago Bay development has taken a life all of its own and appears that this small group of people who appear want to make a battle of it and any mis-steps that we make I'm sure they're going to take advantage of it and use it in the biggest way they can.

Michael Borja let me tell you what I heard from one of Senator Tom Ada's staff that we had done our due diligence for Bill 318 by formally submitting testimonies.

[Lengthy discussion ensues on the round-table meeting for Bill 318]

Chairman Arroyo is there any update of the case from the last time we met?

Kristan Finney no, we're still going to filing an entry of appearance as we talked about last time. The Court will look at the decision you made, look at what they're representing and make a decision and there's not necessarily to

<u>Chairman Arroyo</u> on the days of the filling was there any other discussion on your side on the day of the filling whether they filed in time or

Kristan Finney yeah, it was timely. I don't think there's really an issue over that.

Vice Chairman Cruz who is the AG representing on this thing.

Kristan Finney well, the AG represents the government.

Vice Chairman Cruz the mayors or the mayors' council.

Kristan Finney no, the Guam Land Use Commission. David Highsmith is working on that other case; the appearance that I'm talking about would be for on behalf of the Guam Land Use Commission.

Vice Chairman Cruz so who is representing the mayors.

Kristan Finney their petition was filed without any representation.

[Lengthy discussion ensues. Ms. Finney explained that nothing has been filed by AG's Office on behalf of the Mayors and what will be filed in the next few days will be just an Entry of Appearance as previously discussed on behalf of the Commission. The next step would be that the Court will have some sort of a status report and from there a hearing would probably be set. It was also mentioned that the case is assigned to Judge Ingles.]

<u>Chairman Arroyo</u> any other questions or anything else that we need to discuss before we adjourn? [None noted]

I'll entertain a motion to adjourn ---

VI. Adjournment

Vice Chairman Cruz motion to adjourn.

Commissioner Bathan second.

Chairman Arroyo we are adjourned.

The regular meeting of the Guam Land Use Commission for Thursday, July 28, 2016 was adjourned at 3:15 p.m.

Approved by:

John Z. Arroyo Chairman Guam Land Use Commission

Date approved: 9.8.2016

Transcribed by:

M. Cristina Gutiérrez, Pro Tem Planning Division, DLM

GUAM LAND USE COMMISSION



Chairman John Z. Arroyo Vice Chairman Victor F. Cruz

Commissioner Conchita D. Bathan Commissioners Tae S. Oh

Michael J.B. Borja, Executive Secretary Kristan Finney, Assistant Attorney General

AGENDA

Regular Meeting Thursday, July 28, 2016 @ 1:30 p.m.

Department of Land Management Conference Room 590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning

I. Notation of Attendance

[] Quorum

[] No Quorum

- II. Approval of Minutes
 - GLUC Regular Meeting of Thursday, July 14, 2016
- III. Old or Unfinished Business

Horizontal Property Regime

A. The Applicant, LGI Pacific Guam LLC represented by Michael D. Flynn, Jr., Esq. and Timothy Armour; request to accept the amended and restated Declaration of Horizontal Property Regime and restated floor plans for Ladera Towers Condominium, Lot Nos. 4 and 5, Tract 1822, in the Municipality of Mangilao, in an "R-2" (Multi Family Dwelling) zone, under Application No. 1993-01D, HPR No. 104. [Continued – GLUC hearing of 6/9/2016]

Case Planner: Celine Cruz

IV. New Business

Zone Change

B. The Applicant, Mr. Sang Hon Yi represented by W.B. Flores & Associates; request for a zone change from "A" (Rural) to "M1" (Light Industrial) zone for the proposed construction of an automotive repair and fabrication shop, on Lot 5221-1-6 in the Municipality of Barrigada, under Application No. 2014-33. [Withdrawn – GLUC hearing of 7/14/2016]

Case Planner: Penmer Gulac

Tentative Development Plan/Zone Variance

- C. The Applicant, TriVision Media Group LLC represented by Christopher A. Morato; request for a Tentative Development & Zone Variance to erect a 30'0" high LED billboard sign on a portion of the Pacific Bay Hotel parking lot in Tumon, on Lot 5114# 1-2-2 NEW, in the Municipality of Tamuning in an "H" (Hotel/Resort) zone, under Application No. 2016-01A/B. Case Planner: Celine Cruz
- V. Administrative and Miscellaneous Matters
- VI. Adjournment

ATTACHMENT A



(Department of Land Management)
GUBETNAMENTON GUAHAN
(Government of Guam)

DIPĂTTAMENTON MINANEHAN TĂNO'



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO

RAY TENORIO Lieutenant Governor

July 22, 2016

Memorandum

TO:

Chairman, Guam Land Use Commission

FROM:

Guam Chief Planner

SUBJECT:

Supplement Staff Report - Application No. 1993-01D Request for acceptance of Amended and Restated Declaration of HPR (for Issuance of

Supplementary Final Public Report)

RE:

Ladera Towers Condominium - Registration Number 104

1. PURPOSE:

- A. Application Summary: The Association of Apartment Owners of Ladera Towers Condominium, represented by Michael Flynn, Jr. Esq. and Timothy Armour, R.A., request acceptance of the Amended and Restated Declaration of Horizontal Property Regime for "Ladera Towers Condominium", on Lots 4 and 5, Tract 1822, in the Municipality of Mangilao, in an "R-2" (Multi-Family Dwelling) zone, HPR Registration No. 104, under application No. 1993-01D, pursuant to §45101 to §45155, Chapter 45, Horizontal Property Regime Act.
- B. Legal Authority: Title 21, GCA (Real Property), Chapter 45 (Horizontal Property Act).

2. FACTS:

Based on recommended supporting information requested of the applicant, we have received the following documents for inspection:

- 1. Abstract of Title issued June 6, 2016 (Tab 9)
- Most recent Certificates of Title issued for Lots 4 & 5 Tract 1822 in Mangilao (Tabs 10 & 11)
- 3. Apartment layout and current occupancy (Tab 16)
- 4. Amended Warranty Deed (Tab 7)
- 5. Policy of Title Insurance (Tab 8)
- 6. Specimen Escrow Agreement (Tab 12)
- 7. Specimen Sales Contract (Tab 13)
- 8. Specimen Apartment Deed Tab 14)
- 9. Draft Supplemental Final Public Report (Tab 15)
- 10. Amended and Restated Floor Plans (Tab 6)

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagātha, GU 96932

Website: http://dim.guam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



Continuation of Staff Report Supplemental Staff Report - Application No. 1993-01D HPR Ladera Towers Condominium, Registration No. 104 GLUC Meeting of June 11, 2016 Page 2 of 2

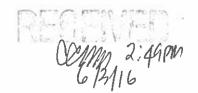
The submitted documents present adequate information for full disclosure of the project. It is our position that we find the material facts have been presented through this supplemental information and considered adequate for any prospective purchaser to consider. We also find that adequate protection for purchaser's funds has been provided.

larvin Q. Aguilar

Case Planner: Celine Cruz

THE ASSOCIATION OF APARTMENT OWNERS OF LADERA TOWERS CONDOMINIUM

SUITE 2110 310 LADERA LANE MANGILAO, GUAM 96913



June 2, 2016

VIA HAND-DELIVERY

Honorable Commission Members **GUAM LAND USE COMMISSION** 590 S. Marine Corps Drive ITC Building, Ste 733 Tamuning, Guam 96913

RE:

Request to Accept the Amended and Restated Declaration of Horizontal Property Regime and Amended and Restated Floor Plans, Ladera Towers Condominium

Dear Commission Members:

This letter supplements and restates the information presented to the Commission in our letter to the Commission, submitted by the Association of Apartment Owners of Ladera Towers Condominium, on May 13, 2016.

The Association of Apartment Owners of Ladera Towers Condominium (the "Association"), respectfully requests the Guam Land Use Commission to accept the Amended and Restated Declaration of Horizontal Property Regime and Amended Floor Plans, of Ladera Towers Condominium, as proffered by LGI PACIFIC GUAM, INC., a Guam corporation ("LGI Pacific") and the Association, on the bases stated below.

The Horizontal Property Regime at Ladera Towers Condominium (the "Project") came into being on February 24, 2010, when the developer of the Project, LTA LLC, a Guam limited liability company (the "Developer"), who owned fee simple title to the land upon which the Project sits (the "Land") and owned the improvements on the Project (the "Improvements"), submitted the Land and the Improvements and all of its interest to a Horizontal Property Regime, as stated in the Developer's Declaration of Horizontal Property Regime (the "Original Declaration) and as depicted in the Floor Plans of Ladera Towers Condominium

¹ "Developer means a person who undertakes to develop a real estate condominium project." 21 GCA § 45102(m).

Honorable Commission Members GUAM LAND USE COMMISSION Page 2 of 4

(the "Original Floor Plans"), filed with the Office of the Recorder, Department of Land Management, Government of Guam (the "Recorder").²

On July 30, 1990, the Commission's predecessor, i.e., the Territorial Planning Commission, issued its Notice of Action, approving the request by the Developer's predecessor, i.e., T & K Development Corporation, for a height variance of 171 feet or 21 stories for the Project, subject to the Developer's predecessor meeting certain conditions, specified in the July 30, 1990 Notice of Action. The Developer's predecessor and the Developer did meet all of the conditions stated in the July 30, 1990 Notice of Action. The current owner of the Project (and each of the apartment condominiums units at the Project), LGI Pacific, possesses a current Guam business license for the rental of 218 unit condominiums at the Project, signifying that the Project has met the building and business operation requirements of each and every Government of Guam agency.

This Honorable Commission issued its Final Public Report, concerning the Project, on December 27, 2007. The Developer later submitted a draft Supplemental Final Report (with recalculated floor area sizes) to this Commission, which draft Supplemental Final Report was approved by the Commission on February 26, 2010. However, the Developer did not submit the final form of the Supplemental Final Report for signature by the Commission and, because the final form of the Supplemental Final Report was not signed by the Commission, the Report was not recorded with the Office of the Recorder.

On November 19, 2012, by way of an Amended Warranty Deed⁶, the Developer transferred all of its ownership interest in the Project (i.e., all of the Condominium Apartments in the Project) to LGI Pacific, which entity, is presently the sole owner of all of the Condominium Apartments at the Project (the "Owner").⁷ Currently, approximately eighty to ninety percent of the Condominium Apartments at the Project are under lease with various third-parties.

² The Original Floor Plans and the Original Declaration were filed by the Developer in the Office of the Recorder, on February 24, 2010, under, respectively, Instrument Number 802505 and Instrument Number 802506.

³ A separate Notice of Action was issued by the Territorial Land Use Commission ("TLUC"), on June 13, 1997, in which the TLUC approved a modification of a previously issued TLUC condition, concerning a Guam Waterworks Authority requirement. The June 13, 1997 TLUC Notice of Action was recorded in the Office of the Recorder, on July 14, 1997, under Instrument Number 567071.

⁴ The Final Public Report was issued on December 27, 2007 and recorded with the Office of the Recorder, on May 8, 2008, under Instrument Number 773111.

⁵ The Notice of Action concerning the Commission's approval of the Developer's submitted Supplemental Final Report was recorded with the Office of the Recorder, on March 11, 2010, under Instrument Number 803172.

⁶ The Amended Warranty Deed transferring sole ownership in the condominium apartments to LGI Pacific, was recorded in the Office of the Recorder, on November 19, 2012, under Instrument Number 844362.

⁷ "Majority or majority of apartment owners means the owners of apartments to which are appurtenant more than fifty per cent (50%) of the common interest, and any specified percentage of the apartment owners means the owners of the apartments to which are appurtenant such percentage of the common interests." 21 GCA § 45102(o). LGI Pacific constitutes more than a majority of apartment owners as it is the owner of 100% of the condominium apartments at the Project, to which are appurtenant 100% of the common interests in the Project.

Honorable Commission Members GUAM LAND USE COMMISSION Page 3 of 4

In LGI Pacific's preparation to sell individual condominium apartment units at the Project to prospective purchasers, LGI Pacific and its agents and architects conducted physical inspections of the Project (including condominium apartments) and determined that certain provisions and exhibits of the Original Declaration and certain elements of the Original Floor Plans did not correctly represent, in all respects, the physical status of the Project. LGI Pacific determined that in order to provide full disclosure to prospective purchasers concerning the Project, the Original Declaration and the Original Floor Plans require amendment.

LGI Pacific, as Owner and Declarant, submits its Amended and Restated Declaration of Horizontal Property Regime (the "Amended and Restated Declaration"): to amend and correct Exhibit B, Exhibit C, Exhibit E, and Paragraph E-1 of the Declaration; to make reference to, and to add, Exhibit F to the Declaration; to reflect the rights and obligations of LGI Pacific, following the transfer of ownership from the Developer; and, in all other respects, to restate the representations made by the Developer in the Declaration. The Association has approved the Amended and Restated Declaration.

LGI Pacific, as Owner, also submits its Amended and Restated Floor Plans of Ladera Towers Condominium, as certified by LGI Pacific's registered architect, to amend the Original Floor Plans, as follows: elimination of parking slot designations in the First Floor and Second Floor Parking Plan; addition of a pool side plan; addition of a first floor (building) plan; corrections to the second floor and third floor (building) plans and, in all other respects, to restate the plans certified in the Original Floor Plans. The Association has approved the Amended and Restated Floor Plans of Ladera Towers Condominium.

Enclosed in support of their request, are the following:

- The Association of Apartment Owners of Ladera Towers Condominium (the "Ladera Towers Owner's Association") May 13, 2016 letter of authorization for representation before the Guam Land Use Commission;
- 2. Waivers and Minutes of the Board of Directors of the Association of Apartment Owners of Ladera Towers Condominium;
- 3. Waivers and Minutes of the Association of Apartment Owners of Ladera Towers Condominium;
- 4. Amended and Restated Declaration of Horizontal Property Regime of Ladera Towers Condominium and Exhibits A-F;
- 5. Bylaws of Association of Apartment Owners of Ladera Towers Condominium; and,
- 6. Certificate of Architect and Amended and Restated Floor Plans of Ladera Towers Condominium.

⁸ LG! Pacific had no actual notice of the Developer's submission of the draft Supplemental Final Report because the Developer never submitted a final Supplemental Final Report to the Commission for signature and subsequent recording with the Office of the Recorder, Department of Land Management, Government of Guam, and the Developer never made the matter of its submission known to LGI Pacific.

Honorable Commission Members GUAM LAND USE COMMISSION Page 4 of 4

Thank you for your kind attention to this matter.

Sincerely,

THE ASSOCIATION OF APARTMENT OWNERS OF LADERA TOWERS CONDOMINIUM

Scott A. Clark, President, hereto duly authorized

ATTACHMENT B



DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guahan)



Governor of Guahan

RAY TENORIO Lieutenant Governor of Guahan DAVID V. CAMACHO Deputy Director

July 8, 2016

MEMORANDUM

TO:

Chairman, Guam Land Use Commission

FROM:

Guam Chief Planner

SUBJECT: Staff Report - Application No. 2014-33 Zone Change, Lot 5221-1-6, Municipality of Barrigada.

1. PURPOSE:

- A. Application Summary: The Applicant, Sang Hon Yi, represented by WB Flores & Associates, requests the approval of a Zone Change from "A" (Agricultural) to "M-1" (Light Industrial) Zone, in order to allow construction of an automotive repair and fabrication shop on Lot 5221-1-6, Municipality of Barrigada.
- B. Legal Authority: Title 21 Guam Code Annotated, Chapter 61, Article 6, Part 3 (Changes of Zones), Sections 61630 through 61638 (Zoning Law).

2. FACTS:

- A. Location: The subject site abuts Guam International Airport (GIAA) property that facilitates GIAA's runway buffer. The property is supported by two (2) easements:
 - i. A terminating Cal-De-Sac on the property's east boundary; and
 - ii. 50-foot right of way abutting its southern boundary.

The property is part of an 11-lot subdivision of basic lot 5221-1. It is a terminating lot that is supported by easements as noted above and can be accessed via Route 16. It abuts a vehicle parking/storage facility (M-1 Zone) as well as GIAA property on the northwestern border fence line. The main access to the site is via Pangelinan Way from Route No. 16 in Barrigada. (See ATTACHMENT 1).

- B. Lot Area: 4,795 square meters or 51,614 square feet or (1.18) acre
- C. Present Zoning: "A" (Agricultural) Zone.

Street Address: 10 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

Mailing Address: P.O. Box 2950 Hagåtña, GU 96932

Website: http://land.guam.gov

E-mail Address: dimdir@land.guam.gov

Telephone: 671-649-LAND (5263)



671-649-5383



Continuation of Memorandum

RE: Staff Report – Zone Change - Application No. 2014-33

GLUC Meeting Date of: July 14, 2016

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D. Field Description: The subject lot currently maintains a container office that apparently supports a vehicle storage facility. We are uncertain if such facility is an extension of a similar and abutting facility owned by Nissan Motors, Guam or a standalone operation serving as a temporary storage area for vehicles awaiting repairs. The property is fairly flat. Land uses surrounding the site is a mix of light industrial to the west and residential uses to the east of the property.

1

As mentioned earlier the property maintains two easements, however, access through the agricultural subdivision, to which the lot was created remains covered is vegetation growth. Access is provided via its southbound easement.

The property maintains all necessary infrastructures with the exception of public sewer service.

- E. Masterplan: Rural-Agricultural
- F. Community Design Plan: Conservation No Updated Land Use Masterplan to this date.
- G. Previous Commission Action: None.
- 3. APPLICATION CHRONOLOGICAL FACTS:
 - A. Date Heard By ARC: October 1, 2015
 - B. Public Hearing: November 5, 2015

The required public hearing was held at the Barrigada Mayor's Office / Community Center on November 5, 2015, at 6:05 P.M. Present were, the Case Planner, Mr. Richard Sana, & William Flores (WB Flores & Associates), the Applicant's representatives, Mayor June Blas, Vice Mayor Jessie Bautista, a few MPC Members, neighbors and lot owners (Note: Minutes of the hearing are provided in ATTACHMENT 2).

4. <u>STAFF ANALYSIS:</u> A Zone change must addressed <u>Public Necessity</u>, <u>Public Convenience</u> and <u>General Welfare</u> criteria. Our analysis is as follows:

Continuation of Memorandum

RE: Staff Report – Zone Change - Application No. 2014-33

GLUC Meeting Date of: July 14, 2016

Page 3 of 4

PUBLIC NECESSITY and CONVENIENCE

The requested zone change to "Light Industrial" is a more prudent zone designation for the area. The fact that the area is within APZ-I Zone (Accident Potential Zone - I) requires a shift from residential to commercial or industrial uses, notwithstanding the fact that residential uses are permitted in the current zone "A" (Agricultural). Further, the sound level near the airport at this site is (Ldn 85), is not conducive for uses as provided under the property's current zoning designation. The surrounding and nearby parcels have also been zoned to "Light Industrial" and industrial activities are in operation has not been a detriment to other current residential or competing commercial or industrial uses.

The Commission is interested and has responsibilities to regulate zoning; and watches out for the "health, safety and welfare" of the community, but from zoning perspective. In the case at hand, the requested light industrial rezoning, is in our opinion, a much suitable zone and location for commercial or industrial uses for the primary reason that the area is within the AICUZ zone and in which an APZ-I factor exist based on the AICUZ study. If rezoned to Light Industrial, such zoning designation would appear to have the least impact on the "Health, Safety and General Welfare that would be more pronounced should a residential community exist.

The proposed rezoning for new construction of warehouse for auto repair and a parking area for vehicles and equipment are permitted light industrial uses on the subject lot that would be consistent with industrial or commercial-related uses in the immediate area within a range from 200' to 3,000'. The location is central to the Tamuning, Dededo and Yigo areas with large population. It is also in close proximity to the airport, airport industrial park, Harmon Industrial park and other commercial districts.

GENERAL WELFARE

Legitimate Agricultural activities and small subsistence farming in this area is either non-existent or negligible. While it is true that remaining parcels are still zoned "Agricultural", the prevalent use is heavy towards a more intense industrial and commercial uses; however, we do point out that there exists residential uses scattered throughout the area as well.

Continuation of Memorandum

RE: Staff Report - Zone Change - Application No. 2014-33

GLUC Meeting Date of: July 14, 2016

Page 4 of 4

We received the required Agricultural Impact Statement (AIS) from Department of Agriculture and stated they do not oppose to the zone change and development with stated conditions and concerns in regard to preventing major ecological damage to the environment and the Northern Aquifer. The AIS recommendations a comprehensive landscaping plan that will be incorporated as part of the review and approval of existing or proposed development in the immediate area. Agriculture further offer assistance for proposed development. Based on existing land use of the site, appears that there are no significant impacts on agriculture (subsistence farming) and or existing lands uses in the immediate and near the proposed site.

Thus, the proposed zone change and land use development is the highest and best use for this site, is not a good site for agricultural activities. It is also affected by an APZ Factor of I. The propose activity on this site is more conducive for it is centrally located and near existing commercial and other light industrial properties.

Any development on the site will accommodate wastewater and storm water drainage to protect the residents and the groundwater (aquifer) in the area. The zone change will not reduce any zoning standards in the immediate vicinity, but rather, the improvements to the subject lot will create a more stable environment that will provide for an orderly development scheme within the area and adjacent surroundings. The Applicants are aware and will comply to all requirements and conditions and any concerns imposed by government agencies and other mandates in their development plans.

In supporting an industrial or commercial use, we find that the added note to the protection of the general welfare of the public is that the subject lot is abutting the airport; and that based on recent studies on noise impact in this specific area, residential development is not favorable or suitable within and or near this area which is within an area designated as Accident Potential Zone I. As such, it is the position of DLM Planning Staff that the area is best suited for industrial type uses followed by commercial activities/uses.

5. <u>RECOMMENDATION</u>: Recommend <u>Approval</u> and the applicants shall adhere to all ARC recommendations, Commission conditions and requirements.

Marvin Q. Aguilar Guam Chief Planner

ATTACHMENTS

Case Planner: Penmer C. Gulac

PUBLIC HEARING MINUTES

Page 1 of 3

The required public hearing was held at the Barrigada Mayor's Office / Community Center on November 5, 2015, at 6:00 P.M. Present were, the Case Planner, Mr. Harry D. Gutierrez, the Applicant's Rep, Mayor June Blas, Vice Mayor Jessie Bautista, a few MPC Members, neighbors and lot owners.

The Case Planner presented the proposed project and read the positions statements from Bureau of Statistics and Plans, Guam Power Authority, Parks and Recreation/Historical Preservation Office. Mr. Sana highlighted details of the application and clients intentions; he discussed the time frame of the application process, proposed construction, improvements and compliance of the building code, permits required for new development on the site; access to the site and area of development to maximize the proposed use and permitted uses on the subject lot.

Public comments and concerns that were noted are as follows:

Mr. James Castro, MPC member :

He was inquired about the sewer and water connection and surface water runoff on site and how large the ponding basin will be for the development.

Response (from the Case Planner):

Public sewer is not available and water connection is available, the warehouse will be hooked up to utilities and set up Commercial meters that will be applied for by the applicants/owner. All other public utility infrastructure is available within 100 feet. The on-site ponding basin will be in place and is subject to approval of Guam Environmental Protection Agency, that a holding tank and other waste-water control system may be imposed on site by Guam EPA.

Response from Mr. Sana (representative):

Mr. Sana responded and stated that the warehouse will be repairs and fabricationsed storage and office, and house equipment under shelter will be erected as they are currently renting a warehouse in Harmon. They will fence the perimeter and will also improve the site security of parking area and premises. Further stated that the applicants will improve and hardened the access and drive way to their site fronting their premises at their expense. They will apply for highway encroachment clearance/permit with DPW, and the main access will be on the south side and not through residential area (on the east side of the lot).

Mr. Sana (representative):

Mr. Sana further stated that other requirements by GovGuam agencies on this application will be complied with, and that this company already has local residents

employed and will create more contract repair jobs at this new and bigger site. The warehouse will minimize impacts of dust, noise, etc, from the residents nearby.

PUBLIC HEARING MINUTES

Page 2 of 3

Clarence Health: A resident nearby:

Doesn't support the rezoning application as the junk cars will pile up, more noise from the activity on the site, and at this time they are violating permitted land use in the zone. Further stated that Guam EPA does not do enough to monitor land use activities.

Mr. Camacho, lotowner in the neighborhood next to Nissan Motor Storage Site:

He understand that there are many issues in this area and is a Government of Guam issue to mitigate, access, maintain and repair road for safety of the community, drainage, flooding in the neighborhood and that GOVGUAM has failed to improve or correct these issues the neighborhood has been complaining every year...every election...and the Mayor can only do so much..to help her village. He further stated that he operates a light industrial operation on his property for many years supports the rezoning to M1 and work with the permitting agencies development requirements.

Mayor June Blas:

She stated that the municipal planning council will further review the application and will be work closely with DPW on some road widening, flooding issues, said that a safer road and access for the public is needed in this area .. she states that the MPC will further review the application and work with the consultant and owners ..as how they have invested interests in our village and community and if they can provide assistance and work together... she further encourage the owners to come in and see mayor and staff if they have other needs.

Mr. Sana (reperesentative):

He informed those in attendance that new construction permitting requirements will be adhered to... an on-site ponding basin will be coordinated with Guam EPA and on the approved location. The project will be hooked up to a Guam EPA waste-water system and he reassured those present there will be minimal impacts to infrastructure, traffic, noise...etc... the applicants will be good neighbors..that they will landscape, fence, install security lights on the site..further stated ..other lots were rezoned to M1 in the immediate area and neighborhood. The applicants/owners will clear the site for any debri, junks, and enhanced the site. He further stated the subject lot is within the area that is progressing more toward light industrial uses, rather than residential uses. Other neighboring lots were rezoned to M1 in the last 20 years by the Legislature by Public Law.

PUBLIC HEARING MINUTES

Page 3 of 3

Planning Staff Summary of Public Hearing:

After discussion on rezoning and information given by the consultant, and clarification of the access, attendees were agreeable on the fact that majority of their concerns, frustrations, and objections were of the traffic/access on the existing public right of way. The road and flooding has not been addressed by the government...and issues on realignment of the narrow roads that commuters traverse on a daily basis on or nearby public access roads from Route No. 16 via Pangelinan Way, planning staff encouraged lot owners to be proactive in resolving property issues and that they need to work with the village mayor and her staff..the will assist and coordinate with DPW Highways and Right-of Ways section on subject matter.

There were concerns and recommendations, opposition on the proposed rezoning and activity at the hearing by those in attendance. Planning Staff reminded the Mayor to provide a Municipal Planning Council Resolution prior to the Land Use Commission hearing.

Planning informed those in attendance that the Application Review Committee (ARC) had no objections on the application. The next hearing will be with the Guam Land Use Commission (GLUC), ITC Building, and will be announced in the daily newspaper circulation 10 days prior to the hearing date and time.

There hearing was adjourned at 7:05 p.m.

REF. 2014-33

AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A ZONE CHANGE: From "A" To "M1"

PROJECT NAME: APPLICANT/REPRESENTATIVE: PROJECT DESCRIPTION: LOT, BLOCK, TRACT:

PUBLIC HEARING: GLUCMEETING:

Zone Change "A" Zone To "M1" Zone

Sang Hon YI / W.B. Flores & Associates, Richard Sana To Rezone From "A" Zone To "MT" Zone

MUNICIPALITY: Barrigada

LOT 5221-1-6

Date: NOV, S 2215 Time: 6:00 PM Date: JENE 23,2016 Time: (;30 PM

Place: BURR GADA MAYORS OFFICE Place: DLM Conf Rm, 3rd Flt, ITO Bldg, Tamuning



Barrigada Municipal Planning Council Office of the Mayor & Vice Mayor 124 Luayao Lane, Barrigada, Guam 96913

December 11, 2015

Mr. John Arroyo Acting Chairman Guam Land Use Commission Department of Land Management Tamuning, Guam 96910

Re: Application No. 2014-33, the Applicant, Sang Hon Yi, represented by W.B. Flores & Associates and FC Benavente, request for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) for a proposed automotive repair shop and

construction fabrication shop, on lot 5221-1-6, in the Municipality of Barrigada.

Rolan 1/5/16
Roug D. J

Dear Mr. Chairman:

On November 5, 2015, your office conducted a public hearing on the above named application. The meeting was well attended, with residents from the surrounding area in attendance plus the Applicant's representative(s), the Vice Mayor and myself and members of our Municipal Planning Council.

To insure compliance, we strongly suggest that the Guam Land Use Commission place the following conditions on the Applicant.

- (1) to widen and or provide an alternative roadway,
- (2) to only operate the facility from Mondays through Fridays,
- (3) not to wash nor remove any protective car coating on the site, and
- (4) not to store any corrosive or petroleum solution at the facility.

The above four (4) items have resulted in providing essential environmental safeguards and improvements to the current roadway. It is also in the opinion of the Municipal Planning Council that the residents ingress and egress and also those attending the church located near the proposed property may have their worship disrupted by weekend operations of this facility.

We ask the GLUC members to consider our concerns so that the government may better enforce the commitments made by the Applicant.

Sinseramente.

Vice Mayor

P.O. Box 218150 GMF Barrigada, GU 96921 Tel: 671)632-1528/29 Fax:671)632-1530°

E-mail:leedguam@hotmail.com

RECEIVED

6/5/2016 12m 13-

January 7, 2016

Mr. Michael Borja
Executive Secretary
Guam Land Use Commission
Department of Land Management
590 S. Marine Corps Drive
ITC Bldg. Suite 733
Tamuning, Gu 96913

Subject:

Support for Zone Change Application No. 2014-33,

Re: Lot 5221-1-6, Barrigada, Guam

Dear Mr. Borja:

This has reference to the zone change application request of Mr. and Mrs. Sang Hon Yi, owners of Lot No. 5221-1-6 in Barrigada, Guam.

We have conducted business with Mr. Yi and Asia Motors for many years and find them to be very responsible and diligent in their work and transactions. This zone change will allow them to increase their productivity and efficiency, as well as enhance economic activity through sales and services, and the creation and maintaining of jobs.

The proposed zone change is compatible with the area's existing business activities.

We have known Mr. Yi to be an honest and hardworking citizen and friend and would appreciate your strong consideration of this letter of support for the zone change request.

Sincerely,

Jans D. L PRZSIDENT LETO ELTETHC, INC UNIAN M. EVARISTO

JUANITA S. PINEDA

DigBauluti MIGHELA A. BAUTISTA

Tongting Chen --



CONWOOD PRODUCTS, INC

Jan. 13th, 2015

Mr. Michael Borja
Executive Secretary
Guam Land Use Commiccion
Department of Land Management
590 S. Marine Corps Drive
ITC Bldg. Suite 733
Tamuning, Guam 96913.

Subject

Support for Zone Change Application No. 2014-33,

Re: Lot 5221-1-6, Barrigada, Guam

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The proposed zone change is compatible with the area's existing business activities.

We have known Mr. Yi to be an honest and hardworking citizen and friend and would appreciate your strong consideration of this letter of support for the zone change request.

Sincerely:

DANIEL MIN

General Manager



CONWOOD PRODUCTS, INC

PRINTED NAME :	SIGNATURE:
SOCORRO LAGMAN	
LLORENA NUNEZ	
MARIE TORRES	Mons
LISA CAMACHO	- S
Bian Asuncion	PD

Main 1701 W.31 Street • Vancouver, Washington 98660

Office PH: 360-694-5195 • FAX: 360-694-5096 PH: 503-283-3151 • FAX: 503-289-1324

www.conwoodproducts.com

Guam PO Box 21448 • GMF Guam 96921 Office PH 671-632-3426~8 • FAX : 671-632-2824 Saipan PO Box 504459 • Saipan MP 96950 Office PH 670-235-3500~2 • FAX 670-235-3503

GENO'S AUTO SERVICE 1354 ARMY DRIVE BARRIGADA, GU 96913 633-5757 –633-7287 FAX 633-5759

January 7, 2016

Mr. Michael Borja
Executive Secretary
Guam Land Use Commission
Department of Land Management
590 S. Marine Corps Drive
ITC Bldg. Suite 733
Tamuning, Gu 96913

Subject:

Support for Zone Change Application No. 2014-33,

Re: Lot 5221-1-6, Barrigada, Guam

Dear Mr. Borja:

This has reference to the zone change application request of Mr. and Mrs. Sang Hon Yi, owners of Lot No. 5221-1-6 in Barrigada, Guam.

We have conducted business with Mr. Yi and Asia Motors for many years and find them to be very responsible and diligent in their work and transactions. This zone change will allow them to increase their productivity and efficiency, as well as enhance economic activity through sales and services, and the creation and maintaining of jobs.

The proposed zone change is compatible with the area's existing business activities.

We have known Mr. Yi to be an honest and hardworking citizen and friend and would appreciate your strong consideration of this letter of support for the zone change request.

Sincerely,

Gerald E Quichocho

GENO'S AUTO SERVICE 1354 Army Drive Barrigada 96913 633-7287 Fax 633-5759

Gerald Quichocho

Geno Quichocho

Geo Quichocho

Nora Quichocho

Edwin Manglona

Andre De Leon

Johnathon Topasna

Melissa Wolford

Summer Brub

January 7, 2016

Mr. Michael Borja
Executive Secretary
Guam Land Use Commission
Department of Land Management
590 S. Marine Corps Drive
ITC Bldg. Suite 733
Tamuning, Gu 96913

Subject:

Support for Zone Change Application No. 2014-33,

Re: Lot 5221-1-6, Barrigada, Guam

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We have conducted business with Mr. Yi and Asia Motors for many years and find them to be very responsible and diligent in their work and transactions. This zone change will allow them to increase their productivity and efficiency, as well as enhance economic activity through sales and services, and the creation and maintaining of jobs.

The proposed zone change is compatible with the area's existing business activities.

We have known Mr. Yi to be an honest and hardworking citizen and friend and would appreciate your strong consideration of this letter of support for the zone change request.

Sincerely,

(Type Name and Sign Friend or Business Associate Name Here)
Title

1/8/2016 1) Diana Kreisher Dhus 1/8/2016 2) ATIGNE BOCAGO 118/2016 NATHAN DELICA BOUCH 18 / 2016 Ptycol PJ VEBAN 1/8/2014 LESTER CIPRIANO Lapon 1 9 2016) CARMEN ABELLO 19/2016 JEAN DIMAHUO Schimer 1/9/2016 Charlene Carllen C-Carllen 1/9/2016 Jonathan Nonog JARy 1/10/2016 o) Christopher Kreikher Chal 1-11-2016 Alintre Alex Titingrhad 1-11-2016 Nova Padigos Apadijos 1-11-2016) John Alfred Alfonso - Jalfonso 1/12/2016 Jeff Cayanan Luyanon 1/12/2016 Nelson Sangga 1-12-2016 State Enaker Tindungan

From Friends of Mr. Yi, to put on their letterhead (if business)

January 7, 2016

Mr. Michael Borja
Executive Secretary
Guam Land Use Commission
Department of Land Management
590 S. Marine Corps Drive
ITC Bldg. Suite 733
Tamuning, Gu 96913

Subject:

Support for Zone Change Application No. 2014-33,

Re: Lot 5221-1-6, Barrigada, Guam

Dear Mr. Borja:

This has reference to the zone change application request of Mr. and Mrs. Sang Hon Yi, owners of Lot No. 5221-1-6 in Barrigada, Guam.

The requested zone change will enhance economic activity in Barrigada and will assist Asia Motors as they provide good service and jobs. We believe the proposed activity to be compatible with existing surrounding uses.

We have known Mr. Yi to be an honest and hardworking citizen and friend and would appreciate your strong consideration of this letter of support for the proposed zone change.

Sincerely,

(Tv	pe Name and Sign Friend or Business Associa	ate Name Here)	////
	STAN Y. Ko	X 1001 11	Do 1/11/16
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32. Katherine A. Ho Charles 1/28/16 33. CHARLITO V. BATACLAN (MS 1/26/16 34. Glenda G. Vitug 1/28/14 35. Jarmin P. Dlaha 36. BAGAC, WILLIAM 11/20 28 JAW 2016 /28/16



DIPĀTTAMENTON MINANEHAN TĀNO' (Department of Land Management) GUBETNAMENTON GUĀHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

Street Address: 90 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

Mailing Address: P.O. Box 2950

Hagátña, GU 96932

Website: http://land.guam.gov **EDDIE BAZA CALVO** Governor

BAY TENORIO Lieutenant Governor

July 8, 2016

MEMORANDUM

TO:

Guam Land Use Commission (GLUC) Members

FROM:

Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Position Statements by ARC

Re: Zone Change -Application No. 2014-33,

GLUC Hearing – July 14, 2016

Listed below is the compilation of Positions received from various ARC Member Agencies as submitted to Planning Division. The conditions as imposed by the ARC Member Agencies are listed when applicable.

E-mail Address: Ilmdir@land.guam.gov DEPARTMENT OF LAND MANAGEMENT (DLM):

Recommends APPROVAL

2. BUREAU OF STATISTICS AND PLANS (BoPS)

The Bureau has comments with recommendations with no objection (Attached Certification). .

3. DEPARTMENT OF PARK AND RECREATION/HISTORICAL PRESERVATION OFFICE (DPR/HPO): DPR/HPO have determined that the proposed project has low probability that cultural resource will be present in the area. They have no objections to approving the subject application.

4. GUAM WATERWORKS AUTHORITY (GWA):

No Position Statement Received as of Staff Report Date.

5. DEPARTMENT OF PUBLIC WORKS (DPW):

No Position Statement Received as of Staff Report Date.

6. ENVIROMENTAL PROTECTION AGENCY (GEPA): No Position Statement Received as of Staff Report Date.



Facsimile: 671-649-5383



Continuation of Memo

SUBJECT: Summary of Position Statements by ARC Re: Zone Change -Application No. 2014-33,

GLUC Hearing - July 14, 2016

Page 2 of 2

7. **GUAM POWER AUTHORITY (GPA):**

No Objections with recommendations and requirements noted (See Attached)

8. **DEPARTMETN OF AGRICULTURE (DoAG):**

No Objections with Recommendations noted, see AIS (Attached)

EX OFFICIO

- 1. **GUAM FIRE DEPARTMENT (GFD):** No Position Statement Received as of Staff Report Date
- 2. **GUAM ECONOMIC DEVELOPMENT AGENCY (GEDCA):** NO OBJECTIONS.
- 3. **DEPARTMENT OF EDUCATION (DOE):** Has not submitted a Position Statement as of Staff Report date.
- 4. **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS):** Has not submitted a Position Statement as of Staff Report date.

Marvin Q. Aguilar **Guam Chief Planner**

Case Planner: Penmer Gulac ATTACHMENTS: Position Statements as noted



Eddie Baza Calvo Governor

Ray Tenorio Lt. Governor

Department of Agriculture Dipåttamenton Agrikottura

300-7970 / 7969 / 7966 300-7973 / 7972 / 7967 Agricultural Development Services 300-7974

> 735-3955/56; Fax 734-6570 300-7975/6

> 475-1426/27; Fax 477-9487 300-7965 Fax 734-6569

Matthew L.G. Sablan Director

REF 2014-33 GLE

Department of Land Managemen
Time 2: Until

March 30, 2016 Memorandum

To:

Director, Department of Land Management

Attn:

Executive Secretary, Guam Land Use Commission and Guam Seashore

Protection Commission

Director's Office

Aquatic & Wildlife Resources

Forestry & Soil Resources

Plant Inspection Station

Plant Nursery

Animal Health

From:

Director of Agriculture

Subject:

"Agricultural and Environmental Impact Statement" for a Zone change request from "A" to "M-1" on Lot 5221-1-6 Located in Barrigada (Sang Hon

Yi c/o W.B. Flores and Associates (P.O.Box 27747 Barrigada Guam 96921).

Agriculture has reviewed the subject lot for a "Zone Change" request from "Agricultural" to "M-1" Light Industrial and does not oppose the development provided the following conditions and concerns are met to prevent major ecological damage to include erosion and leaching of industrial and other chemicals and liquids associated with this type of zoning and usage. The removal of Guam's indigenous flora and fauna species creates the loss of the benefits that these species provide to our island such as sedimentation control and soil system preservation that helps prevent contamination of all of Guam's resources. It is therefore vital that a comprehensive Landscaping Plan that incorporates the use and replanting of Indigenous and or fruit and ornamental varieties of trees that will help restore capabilities of this micro and macro ecosystem. As Guam looses native habitat to increased development it is imperative that any future development replace and preserve these species that provide a valuable resource that protects important ecological habitat and the "Northern Aquifer" the primary source of drinking water for the island. As these trees disappear the function they perform in preventing erosion and filtering contaminants from entering the aquifer and coastal systems is lost. By replanting and ensuring that a healthy strand of these trees are in place the developer takes an important step in protecting our resources. In addition to these benefits of a landscaping plan the trees will also provide windbreak capabilities, shading, filtration system, habitat for indigenous and migratory species of birds and the overall aesthetic visual improvement appeal rather than just a concrete jungle.

Our Forestry division grows and maintains these native tree species should you choose to incorporate them into the project. Contact Justin Santos and Christine Fejeran at 300-7976/7 for assistance and consultation at 300-7976. For assistance in using fruit and ornamental tree species as well as vetiver grass a species of grass that helps lock in the soil structure preventing soil loss and landslide dangers contact our Agricultural Development Services where we maintain an Organic and Environmental Demonstration Farm that showcases proper erosion control measures using trees and vetiver grass. These can also be made available upon consultation.

Please be cognizant and aware that development of our lands comes with the responsibility to also protect and maintain it for the future of our island and its people.

For other questions or concerns regarding Agriculture's position please contact our office at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN

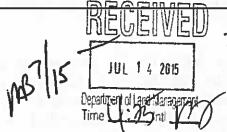
Director

Eddie Baza Calvo Governor of Guam

Ray Tenorio
Lieutenant Governor

William M. Castro Director

SAGAN PLANU SIHA YAN EMFOTMASION P.O. Box 2950 Hagatña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812



JUL 0 9 2015

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

Subject:

Position Statement on Application No. 2014-33; Sang Hon Yi; Lot 5221-1-6, Barrigada; Zone Change from "A" (Rural) to "M-1" (Light Industrial); Proposed Use: Automotive Repair Shop and

Construction Fabrication

The applicant, Sang Hon Yi, represented by consultants W.B. Flores & Associates and Felix Benavente is requesting for a zone change for Lot 5221-1-6 located in Barrigada from Rural (A) to Light Industrial (M-1). The applicant proposes to construct an automotive repair shop and construction fabrication shop, inclusive of forms, trusses, metal assemblies, and cast minor structures in a rural zone. Lot 5221-1-6 is adjacent to residential lots and is also bordered by property currently zoned Light Industrial. The applicant proposes to access the site from the southern end of the lot through Pangelinan Way, just off of Route 16. The applicant wishes to relocate his current business, Asia Motors from its current location (industrial zone) to this rural area.

To justify public necessity, convenience, and general welfare, the applicant cited that the proposed project will help provide additional resources for the construction requirements on Guam and additional repair and maintenance services for Guam's rapidly growing automotive population. The application also states that noise levels will be increased, but will be limited to working hours from 8a.m. to 5p.m. The Environmental Impact Assessment (EIA) further specifies that the project will produce dust as trucks move in and out of the property in addition to increased traffic from customers and from flat bed trucks entering and exiting the property.

The Bureau of Statistics and Plans (Bureau) has completed its review of the attached application and provides the following comments. Should the Commission decide to approve the zone change request, the applicant is

CQ

BSP Position Statement ARC 2014-33 Page 2 of 5

advised to address the following issues and adhere to the conditions prior to approval.

Agricultural Zone. Lot 5221-1-6 is located in an "A" Rural zone in the municipality of Barrigada. On May 5, 2015, the Bureau staff conducted a site visit to the proposed project location. Access to the site is a road bounded by residential homes on both sides. The immediate surrounding area comprises predominantly residential homes. Also bordering the project site are an automobile overflow parking lot and storage, both are within their authorized zone (M-1). On the east side of the property is a vacant lot and more residential homes. Coincidentally, it was observed that the property is already being used to store damaged vehicles, which appeared to be a junkyard.

The Bureau finds the applicant to be in violation of Guam's zoning law by conducting industrial activities not allowed in an "A" (Rural) zone.

Additionally, the applicant is advised to submit an Agricultural Impact Statement pursuant to 21 GCA Real Property, Ch. 61 Zoning Law, §61637, which states:

"No additional land may be established as a rural zone and no land presently zoned "A" may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

- (a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.
- (b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.
- (c) The Director's opinion whether said rezoning should be approved and reasons therefore."

Water Source Protection from Idustrial Waste. The applicant's Barrigada property is located in the Northern Watershed, which is home to the Northern Guam Lens Aquifer (NGLA). The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer

BSP Position Statement ARC 2014-33 Page 3 of 5

is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that the activities from the proposed automotive repair and construction fabrication shop would have adverse effects to Guam's sole source aquifer; therefore, we encourage the applicant to consult with Guam Environmental Protection Agency (Guam EPA) and to implement practices for managing industrial waste that would avoid potential contamination of our aquifer. Practices may include the following but are not limited to:

- 1. Keeping a spill kit close to where spills are likely and ensure all staff know how to use it;
- 2. Mopping the workshop floor rather than hosing

Additional practices are listed in the Resource Conservation and Recovery Act (RCRA) Vehicle Maintenance provided to the applicant by Guam EPA.

Stormwater Management. The project site plan proposes a 20' x 20' ponding basin on the northern end of the lot. This basin will capture stormwater and contaminated runoff generated from auto repair and construction shop; however, the ponding basin does not filter or treat pollutants before water reenters the ground. It is also unclear on how the ponding basin will accept stormwater as the plan does not indicate inlets or drainage systems leading to the basin.

As industrial activities produce high concentrations of pollutants, the Bureau is concerned that activities generated from an automotive repair facility may severely impair the water quality of Guam's sole-source aquifer if stormwater runoff is not treated. Hazardous substances and liquid waste entering the groundwater may be caused by spills of liquids such as oil, coolant, paints, solvents and other chemicals.

According to the CNMI Guam Stormwater Management Manual, Ch. 2 Stormwater Treatment Practice Criteria and Standards:

- "...stormwater runoff from hotspots cannot be allowed to infiltrate into groundwater without prior water quality treatment."
- 2. "...a greater level of stormwater treatment is needed at hotspot sites to prevent pollutant washoff after construction. This will involve preparing and

BSP Position Statement ARC 2014-33 Page 4 of 5

> implementing a stormwater pollution prevention plan (SWPPP) that involves a series of operational practices at the site that reduce the generation of pollutants from a site or prevent contact of rainfall with the pollutants."

The manual further identifies vehicle service and maintenance facilities as a stormwater hotspot in which the land use or activities generate higher concentrations of hydrocarbons, trace metals or toxins than are found in typical stormwater runoff, based on monitoring studies.

The Bureau advises the applicant to consult with Guam EPA in submitting a SWPPP and to install appropriate stormwater methods that will address runoff and hazardous waste.

Erosion. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes Guam's sole source aquifer.

The Bureau recommends the applicant to prevent adverse impacts from construction site runoff by installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site. Additional methods are listed in the CNMI Guam Stormwater Management Manual, which can be obtained at Guam EPA or the Bureau.

The applicant is additionally advised to consult with Guam EPA for effective implementation of erosion control methods and ensure that best management practices are maintained both during construction and throughout the life of the automotive repair and construction fabrication shop.

Other Environmental Impacts. Other potential environmental concerns include air pollution (including odors) from the releases of refrigerants, solvents, LPG and exhaust emission; air pollution caused by tampering with vehicle emission or anti-pollution controls and exhaust systems; and noise impacting neighbors.

The applicant is advised to consult with Guam EPA to address these impacts. At the same time, the applicant is commended for his proposal to landscape the site with hedges and other vegetation as a buffer to minimize industrial visibility from residential neighbors.

Traffic. The application states that "traffic is expected to increase when

BSP Position Statement ARC 2014-33 Page 5 of 5

customers bring their vehicles to the auto shop, while flat bed trucks will be moving in and out of the property for construction fabrication." The Bureau is concerned that the proposed industrial activity will create a burden on the neighboring residents with heavy equipment vehicles, tow trucks, and flat beds that will be entering and leaving the automotive repair and construction fabrication shop. Should the application be approved, the applicant is advised to consult with Department of Public Works Traffic Division to determine if the ingress/egress is suitable for this site.

Emergency Access. The applicant is advised to consult with the Guam Fire Department (GFD) to ensure that the access to the subject development is sufficient and acceptable for emergency vehicles in the event of fire or an emergency.

In conclusion, the Bureau finds that activities of the proposed construction of an automotive repair shop and construction fabrication shop may adversely affect Guam's sole source aquifer. Moreover, increased traffic from heavy equipment, flat bed and tow trucks will pose a hindrance to the residential neighborhood nearby. Therefore, should this application be approved, the Bureau recommends that the applicant, Mr. Sang Hon Yi comply with the above listed conditions. The applicant is further advised to seek guidance from Guam EPA with respect to current unauthorized industrial activities within the property.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We further encourage and promote the protection of Guam's natural resources for generations to enjoy.

WILLIAM M. CASTRO

cc:

GEPA

DPW

GFD

DPR



GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

May 29, 2015

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager (Interim)

Subject:

Lot 5221-1-6, Municipality of Barrigada, (Sang Hon Yi); Zone Change Application from

Agricultural "A" to Heavy Industrial "M-1" for an automotive repair shop and a

fabrication shop. Application No. 2014-33

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

- GPA has no objection, however customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
 - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
 - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
 - Provide scheduling and magnitude of project power demand requirements for new loads.
 - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
 - GPA reserves its easement rights established under document number 287120 (363 FY 77).
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- A system impact assessment may be required to determine the effect of this facility on GPA's
 existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.
- B. General Comments

GPA has no objection to the request subject to the conditions cited above.

CJOHN M. BENAVENTE, P.E

ASG/arp

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority Applicant: Sang Hon Yi Location: Lot 5221-1-6, Barrigada

Type of Application: Zone Change GLUC/GSPC Application No. 2014-33

Brief Project Description:

"A" to "M-1" for an automotive repair shop and a fabrication shop.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.

1.	I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently AVAILABLE AND IN PLACE to support this project: Yes No		
2.	 If the answer to #1 above is YES, then: I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project: 		
	Yes ☐ No ⊠		
3.	If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently		

3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and ' Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

JOHN M. BENAVENTE, P.E.

6-4-1S Date

Comments:

Based on a preliminary inspection of the site, the electrical facilities <u>may</u> require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.



Department of Parks and Recreation Government of Guam

490 Chalan Palasyo
Agana Heights, Guam 96910
Director's Office: (671) 475-6296/7
Facsimile: (671) 477-0997
Parks Division: (671) 475-6288/9

Parks Division: (671) 475-6288/9 Guam Historic Resources Division: (671) 475-6294/5

Facsimile: (671) 477-2822



William N. Reyes
Deputy Director

JUN 1 0 2015

Ray Tenorio
Lt. Governor

In reply refer to: RC2015-0544

June 9, 2015

Memorandum

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

DLM Application No. 2014-33, Zone Change

Lot 5221-1-6, Municipality of Barrigada

Applicant: Sang Hon Yi, c/o FC Benavente, Planners

We reviewed the above subject and determined that the Zone Change will not affect historic properties within the subject lot. Therefore, we have no objection to the approval of this Zone Change Application.

If you have any questions, please do not hesitate to call us.

Raymond F.Y. Blas

Q

OTICE TO REZONE

AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A ZONE CHANGE: From "A" To "M1"

PROJECT NAME:

Sang Hon Yi / W.B. Flores & Associates, Richard Sans

Zone Change "A" Zone To "M1" Zone

To Rezone From "A" Zone To "M1" Zone

MUNICIPALITY Barrigada

LOT 5221-1-6

APPLICANT/REPRESENTATIVE. PROJECT DESCRIPTION: LOT, BLOCK, TRACT

PUBLIC HEARING: **BLUC MEETING**

Date: 167,5 2515 Time: 6.00 PM
Date: JALY 19,26 14 Time: (130 PM)

Place: BARRIGADA-MAXARS OFFICE Place: DLM Dani Rm, 3rd Fir, ITC Bldg, Tamundag

(Corrected; 7/13/2016 pcg)

PUBLIC HEARING MINUTES

Page 1 of 3

The required public hearing was held at the Barrigada Mayor's Office / Community Center on November 5, 2015, at 6:00 P.M. Present were, the Case Planner, Mr. Richard Sana; and (Mr. William flores) of WB Flores, Assoc, the Applicant's Reps, Mayor June Blas, Vice Mayor Jessie Bautista, a few MPC Members, neighbors and lotowners.

The Case Planner presented the proposed project and read the positions statements from Bureau of Statistics and Plans, Guam Power Authority, Parks and Recreation/Historical Preservation Office. Mr. Sana highlighted details of the application and clients intentions; he discussed the time frame of the application process, proposed construction, improvements and compliance of the building code, permits required for new development on the site; access to the site and area of development to maximize the proposed use and permitted uses on the subject lot.

Public comments and concerns that were noted are as follows:

Mr. James Castro, MPC member :

He was inquired about the sewer and water connection and surface water runoff on site and how large the ponding basin will be for the development.

Response (from the Case Planner):

Public sewer is not available and water connection is available, the warehouse will be hooked up to utilities and set up Commercial meters that will be applied for by the applicants/owner. All other public utility infrastructure is available within 100 feet. The on-site ponding basin will be in place and is subject to approval of Guam Environmental Protection Agency, that a holding tank and other waste-water control system may be imposed on site by Guam EPA.

Response from Mr. Sana (representative):

Mr. Sana responded and stated that the warehouse will be repairs and fabricationsed storage and office, and house equipment under shelter will be erected as they are currently renting a warehouse in Harmon. They will fence the perimeter and will also improve the site security of parking area and premises. Further stated that the applicants will improve and hardened the access and drive way to their site fronting their premises at their expense. They will apply for highway encroachment clearance/permit with DPW, and the main access will be on the south side and not through residential area (on the east side of the lot).

PUBLIC HEARING MINUTES

Page 2 of 3

Mr. Sana (representative):

Mr. Sana further stated that other requirements by GovGuam agencies on this application will be complied with, and that this company already has local residents employed and will create more contract repair jobs at this new and bigger site. The warehouse will minimize impacts of dust, noise, etc, from the residents nearby.

Clarence Health: A resident nearby:

Doesn't support the rezoning application as the junk cars will pile up, more noise from the activity on the site, and at this time they are violating permitted land use in the zone. Further stated that Guam EPA does not do enough to monitor land use activities.

Mr. Camacho, lotowner in the neighborhood next to Nissan Motor Storage Site:

He understand that there are many issues in this area and is a Government of Guam issue to mitigate, access, maintain and repair road for safety of the community, drainage, flooding in the neighborhood and that GOVGUAM has failed to improve or correct these issues the neighborhood has been complaining every year..every election..and the Mayor can only do so much..to help her village. He further stated that he operates a light industrial operation on his property for many years and supports the rezoning to M1 and (Asia Motor's) work with the permitting agencies development requirements.

Mayor June Blas:

She stated that the municipal planning council will further review the application and will be work closely with DPW on some road widening, flooding issues, said that a safer road and access for the public is needed in this area.. she states that the MPC will further review the application and work with the consultant and owners ..as how they have invested interests in our village and community and if they can provide assistance and work together... she further encourage the owners to come in and see mayor and staff if they have other needs.

Mr. Sana (reperesentative):

He informed those in attendance that new construction permitting requirements will be adhered to... an on-site ponding basin will be coordinated with Guam EPA and on the approved location. The project will be hooked up to a Guam EPA waste-water system and he reassured those present there will be minimal impacts to infrastructure, traffic, noise...etc... the applicants will be good neighbors..that they will landscape,

PUBLIC HEARING MINUTES

Page 3 of 3

fence, install security lights on the site..further stated ..other lots were rezoned to M1 in the immediate area and neighborhood. The applicants/owners will clear the site for any debri, junks, and enhanced the site. He further stated the subject lot is within the area that is progressing more toward light industrial uses, rather than residential uses. Other neighboring lots were rezoned to M1 in the last 20 years by the Legislature by Public Law.

Planning Staff Summary of Public Hearing:

After discussion on rezoning and information given by the consultant, and clarification of the access, attendees were agreeable on the fact that majority of their concerns, frustrations, and objections were of the traffic/access on the existing public right of way. The road and flooding has not been addressed by the government...and issues on realignment of the narrow roads that commuters traverse on a daily basis on or nearby public access roads from Route No. 16 via Pangelinan Way, planning staff encouraged lotowners to be proactive in resolving property issues and that they need to work with the village mayor and her staff..the will assist and coordinate with DPW Highways and Right-of Ways section on subject matter.

There were concerns and recommendations, opposition on the proposed rezoning and activity at the hearing by those in attendance. Planning Staff reminded the Mayor to provide a Municipal Planning Council Resolution prior to the Land Use Commission hearing.

Planning informed those in attendance that the Application Review Committee (ARC) had no objections on the application. The next hearing will be with the Guam Land Use Commission (GLUC), ITC Building, and will be announced in the daily newspaper circulation 10 days prior to the hearing date and time.

There hearing was adjourned at 7:05 p.m.

Office of the Mayor & Vice Mayor 124 Luayao Lane, Barrigada, Guam 96913

June 7, 2016

MB 7/8

JUL 0 8 2016

Tierre 1224 Intl Augustin

Mr. John Z. Arroyo Chairman, Guam Land Use Commission 590 S. Marine Drive, ITC Building Tamuning, Guam 96913

Re:

The Applicant, Sang Hon Yi, represented by W.B. Flores & Associates and FC Benavente, request for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) for a proposed automotive repair shop and construction fabrication shop, on Lot 5221-1-6, in the Municipality of Barrigada, under Application No. 2014-33.

Mr. Chairman, Members of the Guam Land Use Commission, enkuenta de i segundu mayot, guahu kumo mayot, yan i membros i konsehelon municipat Barigada, Buenas yan Saludu para todos hamyu ginen i komunidat Barigada. On behalf of Vice Mayor Jessie P. Bautista, myself as Mayor, together with members of the Barrigada Municipal Planning Council, greetings to all of you from the community of Barrigada.

With regards to Application No. 2014-33, requesting a Zone Change from "A" (Rural) to "M-1" (Light Industrial) for a proposed automotive repair shop and construction fabrication shop, on Lot 5221-1-6, in the Municipality of Barrigada, we present the following:

- 1. **The applicant**, Sang Hon Yi, through his representatives, W.B. Flores & Associates and FC Benavente, intends to rezone Lot 5221-1-6, in the Municipality of Barrigada, from "A" (Rural) to "M-1" (Light Industrial) for a proposed automotive repair shop and construction fabrication shop.
- 2. In reviewing the Application, we found that the rezoning request, when approved, is to transfer the existing operations of Asia Motors to Lot 5221-1-6, Barrigada.
- 3. Current and Proposed Land Use and Assurances: The Applicant proposes to construct an automotive repair shop and construction fabrication shop, inclusive of forms, trusses, metal assemblies and cast minor structures. Said lot is adjacent to residential lots and is also bordered by property currently zoned Light Industrial.

During the November 5, 2015 meeting held at the Barrigada Community Center The Applicant's representative assured all parties concern that the landowner will comply with all conditions and other requirements from clearing, construction to final occupancy.

Chairman, Guam Land Use Commission Land Planning Division

Re: Application No. 2014-33, requesting a Zone Change from "A" (Rural) to "M-1" (Light Industrial) for a proposed automotive repair shop and construction fabrication shop, on Lot 5221-1-6, in the Municipality of Barrigada.

Page 2 of 3

They furthered assured all parties that the rezoning request will not have any adverse impact within the surrounding properties.

- 4. **Justification:** According to the Applicant's representative, the rezoning of the property would not be out of character in the area. The property is adjacent to residential lots and bordered by property currently zoned "M1" (Limited Industrial).
- 5. Findings: The Barrigada Municipal Planning Council finds the following:

Water Source Protection from Industrial Waste: Lot 5221-1-6, Barrigada is located in the Northern Watershed, which is home to the Northern Guam Lens Aquifer. The aquifer is an essential resource for the island and is the primary source of drinking water for 80% of the island's population.

Therefore it is of great importance to prevent sources of contamination from entering the island's water supply. The Barrigada Municipal Planning Council is concerned that the activities from the proposed automotive repair and construction fabrication shop would have adverse effects and therefore encourages that applicant to consult with Guam EPA and to implement practices for managing industrial waste that would avoid potential contamination.

These practices may include:

- insuring that a spill kit is kept close to where the spills are likely and ensure that all staff know how to use it;
- Mopping the workshop floor rather hosing.

We ask that Guam ERPA make available a copy of the Resource Conservation and Recovery Act (RCRA) Vehicle Maintenance to the Applicant.

Stormwater Management: We are also concerned about stormwater management because the plan indicates that a 20' x 20' ponding basin be located on the northern end of the property. It further states that the ponding basin is designed to capture stormwater and contaminated runoff generated from the auto repair and construction shop. We find that the ponding basin does not filter or treat pollutants before water reenters the ground and is unclear on how the ponding basin will accept stormwater as the plan does not indicate inlets or drainage systems leading to the basin.

Will there be a need to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) which will involve a series of operational practices at the site? Chairman, Guam Land Use Commission Land Planning Division

Re: Application No. 2014-33, requesting a Zone Change from "A" (Rural) to "M-I" (Light Industrial) for a proposed automotive repair shop and construction fabrication shop, on Lot 5221-1-6, in the Municipality of Barrigada.

June 7, 2016

Page 3 of 3

- 6. Erosion: Controlling erosion and sediment flow is always a high priority. The applicant must ensure that erosion and stormwater does not the impact and neighborhood, therefore, we advise the Applicant to consult with Guam EPA on the effective implementation of erosion methods and to ensure that the best management practices are maintained both during the construction and throughout the life of the automotive repair and construction fabrication shop.
- 7. Traffic: We are concerned that the volume of traffic would increase when the shop opens and customers bring their vehicles to the auto shop. Also, flat bed trucks, tow trucks, heavy equipment, that will be traversing in and out of the area, in our opinion would create a burden on the neighboring residents.
- 8. Alternative Access: At the initial meeting, (held on Thursday, November 5, 2015 at the Barrigada Community Center) it was expressed by the residents that the volume of traffic would increase when the shop opens and customers bring their vehicles, thereby creating a burden on the residents.

Through the efforts of the Mayor, the Department of Public Works, Mr. John Camacho, and other government agencies, an alternative access road to Route 16 [Army Corp Drive] has been opened.

Thank you for your time and please note that a resolution from the Barrigada Municipal Planning Council will be submitted once formal is taken for inclusion as part of your official records.

Sinseramente,

JUNE U. BLAS

Mayor

IESSIE P. BAUTISTA

P.O. Box 218150 GMF Barrigada, GU 96921 Tel: 671) 632-1528/29 Fax: 671) 632-1530°

E-mail:leedguam@hotmail.com

January 7, 2016

Mr. Michael Borja
Executive Secretary
Guam Land Use Commission
Department of Land Management
590 S. Marine Corps Drive
ITC Bldg. Suite 733
Tamuning, Gu 96913

RECEIVED 5/c/2016 B. Dum

Subject:

Support for Zone Change Application No. 2014-33,

Re: Lot 5221-1-6, Barrigada, Guam

Dear Mr. Borja:

This has reference to the zone change application request of Mr. and Mrs. Sang Hon Yi, owners of Lot No. 5221-1-6 in Barrigada, Guam.

We have conducted business with Mr. Yi and Asia Motors for many years and find them to be very responsible and diligent in their work and transactions. This zone change will allow them to increase their productivity and efficiency, as well as enhance economic activity through sales and services, and the creation and maintaining of jobs.

The proposed zone change is compatible with the area's existing business activities.

We have known Mr. Yi to be an honest and hardworking citizen and friend and would appreciate your strong consideration of this letter of support for the zone change request.

Sincerely,

Jang D. L PRESIDENT. LETO ELECTRIC, INC UNIAN M. EVARISTO

JUANITA S. PINEDA

DIGBAULUTE MIGHELA A. BAUTISTA

Tingting Chen. -



CONWOOD PRODUCTS, INC

Jan. 13th, 2016

Mr. Michael Borja
Executive Secretary
Guam Land Use Commiccion
Department of Land Management
590 S. Marine Corps Drive
ITC Bldg. Suite 733
Tamuning, Guam 96913.

Subject

Support for Zone Change Application No. 2014-33,

Re: Lot 5221-1-6, Barrigada, Guam

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The proposed zone change is compatible with the area's existing business activities.

We have known Mr. Yi to be an honest and hardworking citizen and friend and would appreciate your strong consideration of this letter of support for the zone change request.

Sincerely:

DANIEL MIN

General Manager



CONWOOD PRODUCTS, INC

PRINTED NAME:	SIGNATURE:
SOCORRO LAGMAN LLORENA NUNEZ	A.
MARIE TORRES	Mond
LISA CAMACHO	S
Brian Asuncion	PD-
E2*	
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aCI	

Main 1701 W.31 Street • Vancouver, Washington 98660

Office PH: 360-694-5195 • FAX: 360-694-5096 PH: 503-283-3151 • FAX: 503-289-1324

www.conwoodproducts.com

Guam PO Box 21448 • GMF Guam 96921 Office PH 671-632-3426~8 • FAX : 671-632-2824

Saipan PO Box 504459 - Saipan MP 96950

Office PH 670-235-3500~2 • FAX : 670-235-3503

GENO'S AUTO SERVICE 1354 ARMY DRIVE BARRIGADA, GU 96913 633-5757 –633-7287 FAX 633-5759

January 7, 2016

Mr. Michael Borja
Executive Secretary
Guam Land Use Commission
Department of Land Management
590 S. Marine Corps Drive
ITC Bldg. Suite 733
Tamuning, Gu 96913

Subject:

Support for Zone Change Application No. 2014-33,

Re: Lot 5221-1-6, Barrigada, Guam

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The proposed zone change is compatible with the area's existing business activities.

We have known Mr. Yi to be an honest and hardworking citizen and friend and would appreciate your strong consideration of this letter of support for the zone change request.

Sincerely,

Gerald E Quichocho

GENO'S AUTO SERVICE 1354 Army Drive Barrigada 96913 633-7287 Fax 633-5759

Gerald Quichocho

Geno Quichocho

Geo Quichocho

Nora Quichocho

Edwin Manglona

Andre De Leon

Johnathon Topasna

Melissa Wolford

Summer Brub

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grade.

January 7, 2016

Mr. Michael Borja

Executive Secretary
Guam Land Use Commission
Department of Land Management
590 S. Marine Corps Drive
ITC Bldg. Suite 733
Tamuning, Gu 96913

Subject:

Support for Zone Change Application No. 2014-33,

Re: Lot 5221-1-6, Barrigada, Guam

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The proposed zone change is compatible with the area's existing business activities.

We have known Mr. Yi to be an honest and hardworking citizen and friend and would appreciate your strong consideration of this letter of support for the zone change request.

Sincerely,

(Type Name and Sign Friend or Business Associate Name Here)
Title

1/8/2016 1) Diana Kreisher Dhus 1/8/2016 2) ATIANE BOCAGO (18). 118/2016 3) NATHAN DELICA BOLICA 18/2016). PJ YEBAN PSYES 1/8/2016) LESTER CIPRIANO LCOPON 1/9/2016 Car) CARMEN ABELLO 19/2016 1) JEAN DIMAHUO Splimen 1/9/2016 & Charlene Carllen - Carllen 1/9/2016 1) Jonathan Nonog JAM 1/10/2016 o) Christopher Kreicher Chast 1-11-2016) Alex Titingrhad Atintrel 1-11-2016 2) Nova Padigos Apadros 1- 11- 2016) John Alfred Alfonso - Stalfonso 1/12/2016 Fuyanan Jeff Cayanan 1/12/2016 Nelson Sanaga Baris 1-12-2016 State Enake Tindungan

From Friends of Mr. Yi, to put on their letterhead (if business)

January 7, 2016

Mr. Michael Borja

Executive Secretary
Guam Land Use Commission
Department of Land Management
590 S. Marine Corps Drive
ITC Bldg. Suite 733
Tamuning, Gu 96913

Subject:

Support for Zone Change Application No. 2014-33,

Re: Lot 5221-1-6, Barrigada, Guam

Dear Mr. Borja:

This has reference to the zone change application request of Mr. and Mrs. Sang Hon Yi, owners of Lot No. 5221-1-6 in Barrigada, Guam.

The requested zone change will enhance economic activity in Barrigada and will assist Asia Motors as they provide good service and jobs. We believe the proposed activity to be compatible with existing surrounding uses.

We have known Mr. Yi to be an honest and hardworking citizen and friend and would appreciate your strong consideration of this letter of support for the proposed zone change.

Sincerely,

(Type Name and Sign Friend or Business Associa	ate Name Here)	B 1/11/16
1. STAN Y. Ko 2 Michele P. Harris	SIMILY	70 1/11/10
3. AGNES SY	agus leg	1/14/16
4. Miki R. Moylan 5. Marie Howg	min min	1/14/2016
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8. Brenda Liza C. Abay	Longbay	1/14/2016
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3Alk. Kukhum 11/19/2016 HUR, JEONG MIN 15 BAIK. Kulchynn Bach/Ly 1/1 12068 16 DONG OK King 1-17-2016 SANG KI Lee 7 1-17-2016) /P Wan Isub Chois 1-17-2016 1/17/2018 H. IM Hye kynn In/11/2016 22 JONG KON SHIM Sfin 1/19/2016 03 SEUMS DOO Lim Shu 1/17/20/6 24 SUN OK 157 1/17/2016 25 Young Here Xi 26 KUNSHIK NUT 27 Dou KYUN MOK BEOM S. HONG A 1/17/2016 28 Jessica T. Agraro 29 Pedro Citalomo AMMANDO G. BAMINGO JE 3110

32. Katherine A. Ho Chartes 1/28/16 33. CHARITO V. BATHCLAN MS 1/28/16 34. Glenda G. Vitug 1/28/16 36. DAGIAC, WILLIAM 1/28/16 36. PAGIAC, WILLIAM 1/28/16